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PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **WILLIAM FRANK TURNER**

Application No.: **09/801,972**

Art Unit: **3748**

Filed: **MARCH 8, 2001**

Examiner: **JOHN J. VRABLIK**

Title: **SPHERICAL FLUID MACHINE WITH FLOW CONTROL MECHANISM**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ **665.00** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of **REQUEST FOR RCE** (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

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665.00 op

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,  
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments  
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent  
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS  
ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**OFFICE OF PETITIONS**

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### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

11/10/03

Date

Michael A. Ervin

Signature

Telephone

Number: 512-329-6085

MICHAEL A. ERVIN

Typed or printed name

8202 TALBOT COVE

Address

AUSTIN, TX 78746

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

11/10/03

Date

Michael A. Ervin

Signature

MICHAEL A. ERVIN

Type or printed name of person signing certificate

Application No. 09/801,972

11-12

#7

DA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

November 10, 2003

Appl. No. : 09/801,972  
Applicant : William F. Turner  
Filed : March 8, 2001  
Title : Spherical Fluid Machine with Flow Control Mechanism

Grp./A.U. : 3748  
Examiner : John J. Vrablik

Docket No. : MAE-WW1

**Mail Stop Petition**  
**Commissioner for Patents**  
**PO Box 1450**  
**U. S. Patent & Trademark Office**  
**Alexandria VA 22313-1450**

**Petition for Revival**

Dear Sirs:

This petition has several elements included. Included in this mailing is:

- 1) A revocation of the power of attorney on the above identified application, including a statement under 37 CFR 3.73(b).
- 2) A new power of attorney on the application.
- 3) A petition for revival of the above identified (and currently abandoned) application.
- 4) A Request for Continued Examination (RCE) of the above identified application.
- 5) An amendment in response to the First Office Action of 07/06/01 on the above identified application.
- 6) The appropriate fees required for the revival and the RCE.

The applicant respectfully requests a revival of the application. The entire delay in filing of the required reply until the filing of the current petitions under 37 CFR 1.137(b) was unintentional.

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NOV 14 2003

**OFFICE OF PETITIONS**

Please note that the original filing had an Attorney Docket of "WEATH 137100".  
With the change in Power of Attorney the new Docket is "MAE-WW1".

Respectfully submitted,

BY Michael A. Ervin  
Michael A. Ervin  
Reg. No. 45,711  
Phone 512-329-6085

**CERTIFICATE OF MAILING 37 CFR 1.10**

I certify that this correspondence is deposited, on the date set below, with the United States Postal Service as Express Mail under the mailing label set forth below, and addressed to:

Commissioner for Patents  
PO Box 1450  
U. S. Patent & Trademark Office  
Alexandria VA 22313-1450

Michael A. Ervin 11/10/03  
Michael A. Ervin  
Registry Number 45,711

Express Mail Number  
\*EU826890408US\*